

ADMINISTRATIVE PANEL DECISION

Eli Lilly and Company v. Márcio Rabello
Case No. D2026-0822

1. The Parties

The Complainant is Eli Lilly and Company, United States of America (“United States”), represented by Faegre Drinker Biddle & Reath, United States.

The Respondent is Márcio Rabello, Brazil.

2. The Domain Name and Registrar

The disputed domain name <drmounjaro.org> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2026. On February 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (not provided) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on March 4, 2026.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 26, 2026. The Respondent submitted a late response on April 7, 2026.

The Center appointed Theda König Horowicz as the sole panelist in this matter on April 22, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a corporation organized under the laws of the State of Indiana, United States, with a principal place of business in Indianapolis, Indiana, United States. The Complainant is a provider of pharmaceutical preparations worldwide and is the owner of the MOUNJARO mark which is used in connection with pharmaceutical products for the treatment of type 2 diabetes.

The Complainant is the owner of a variety of registered trademarks in respect of the MOUNJARO mark, including, for example:

- United States Registered Trademark Number 6809369 in respect of the word mark MOUNJARO, registered on August 2, 2022, in class 5 (pharmaceutical preparations, etc.); and
- Brazilian Registered Trademark Number 919475787 in respect of the word mark MOUNJARO, registered on November 24, 2020, in class 5 (pharmaceutical preparations, etc.).

The Complainant's official website in connection with said products is found at the domain name <mounjaro.com> which currently redirects to "www.mounjaro.lilly.com". The domain name <mounjaro.com> was registered by the Complainant on October 21, 2019, and used since May 17, 2022.

The Complainant shows that its MOUNJARO mark has been used on the above-mentioned official website and was subject to widespread media coverage once approved by the Food and Drug Administration ("FDA") in the United States and also by authorities having the same scope of activity in other countries.

The disputed domain name was registered on October 16, 2025. At the time of the filing of the Complaint, the disputed domain name resolved to a website promoting a treatment guide provided in the format of a downloadable application. On the homepage of the relevant website was a picture of a doctor with the indications in Portuguese language, which translates into English (as submitted within the Complaint): "Dr. Mounjaro – Your treatment guide" and "A comprehensive, evidence-based application to maximize results and minimize risks of treatment with trinzepide". Other information on how to best use the Mounjaro medication could be found on the said website to encourage Mounjaro medication users to use the application. The website does not appear to be active any longer.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's highly distinctive and original MOUNJARO trademark. The disputed domain name reproduces the Complainant's trademark entirely and the addition of the generic term "dr" which is an abbreviation for "doctor" does not avoid confusing similarity.

Furthermore, the disputed domain name was registered without any rights or legitimate interest. There is no evidence that the Respondent is commonly known by the disputed domain name. In addition, the Respondent has registered the disputed domain name with a privacy shielding service and directed the

disputed domain name to a website that purports to sell an infringing “Dr. Mounjaro” software application, or “app” and related subscription services, that otherwise pertain to the Complainant’s pharmaceuticals all without disclosing the Respondent’s lack of a relationship with the Complainant. Furthermore, the disputed domain name was registered without the Complainant’s authorization.

Finally, the disputed domain name was registered and is being used in bad faith. The Respondent obviously knew of the Complainant’s distinctive and well-known MOUNJARO trademark when registering the disputed domain name since it is used to purportedly selling an infringing software app relating to the Complainant’s Mounjaro medication and third-party supplements. The content of the website associated with the disputed domain name, which purports to be a trustworthy guide on the use of MOUNJARO brand product, misleads users into believing that there is an association between the Complainant and the website and thus intentionally attempts to attract Internet users for commercial gain in bad faith by creating a likelihood of confusion with the Complainant’s trademark. Lastly, the Respondent’s use of the Complainant’s MOUNJARO trademark in the disputed domain name is potentially harmful to the health of many unsuspecting consumers who may purchase products advertised through the Respondent’s website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant and, therefore, will be receiving safe and effective medical care approved by health authorities around the world.

B. Respondent

The Respondent has not formally responded to the Complaint. After the deadline to submit Response, in an email of April 7, 2026, to the Center, the Respondent mentioned the following:

The disputed domain name was registered solely for the purpose of hosting a noncommercial, public health application designed to assist patients already using Mounjaro (tirzepatide) in doing so safely and responsibly. The application provided educational and informational content, including guidance on proper use, dosage, potential side effects, adverse events, and general information about the medication and its therapeutic purpose. At no point was the disputed domain name used to sell, promote, or distribute any pharmaceutical product, nor to impersonate the Complainant or any affiliated entity, nor to generate commercial revenue of any kind. The application was operational during a testing phase, with a limited number of internal test users and was oriented entirely toward patient safety and health literacy.

The Respondent also expressed its willingness to resolve the case amicably including the possibility of a voluntary transfer of the disputed domain name.

6. Discussion and Findings

6.1. Procedural Consideration: Late and Unsubstantiated Response

The Respondent sent an email to the Center more than one week after the expiration of the deadline to submit Response without providing an explanation for the delay in responding. The Respondent briefly addressed the criteria of legitimate interests and bad faith, challenging the Complainant’s point of view.

The Respondent does therefore not comply with the formal requirements provided by paragraph 5 of the Rules, notably paragraphs 5(c)(i) and (ix).

Panels have typically treated a respondent’s submission of a so-called “informal response” (merely making unsupported conclusory statements and/or failing to specifically address the case merits as they relate to the three UDRP elements, e.g., simply asserting that the case “has no merit” and demanding that it be dismissed) with a degree of caution (WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1.](#)”), section 4.3.).

Under the circumstances, the Panel will not take the Respondent’s submission into consideration.

6.2. Substantive Issues

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be transferred:

- (i) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent’s failure to submit a timely and formal Response, the Panel shall decide these administrative proceedings on the basis of the Complainant’s undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See [WIPO Overview 3.1](#), section 4.3.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Complainant has shown rights in respect of the trademark MOUNJARO for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms, here, “dr” as a reference to “doctor”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The evidence on record in particular shows that the Respondent promoted an application under the disputed domain name using the MOUNJARO mark. The application could be downloaded against a payment of "R\$ 87,30" for lifetime access on information relating to Mounjaro medication and other medication of the like without the Complainant's authorization. Additionally, the Respondent's website was referring to a certain "Dr. Mounjaro" who does not seem to exist, which is a blunt misappropriation of the Complainant's trademark for commercial purposes, since the application was not given for free but against payment of a fee. Furthermore, the Respondent's website did not contain any disclaimer indicating the absence of any business relationship with the Complainant.

The use by the Respondent of the disputed domain name which reproduces the Complainant's distinctive trademark cannot be considered as a noncommercial bona fide use under the Policy and nothing in the record otherwise indicates that the Respondent would have a right or a legitimate interest in the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel is of the opinion that the Respondent was obviously aware of the Complainant's very distinctive trademark MOUNJARO, when registering the disputed domain name, which has been widely used, notably on the Internet by the Complainant.

This finding is corroborated by the content of the website operated under the disputed domain name at the time of the filing of the Complaint, which promoted an application dedicated to the Complainant's Mounjaro medication and medication of the like for diabetes patients by a so called "Dr. Mounjaro". The evidence shows that the information service provided by the Respondent on the Complainant's Mounjaro medication and medication of the like could be accessed against payment.

The Respondent thus intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark.

Additionally, as noted by other panels in similar cases, the Respondent's use of the website is potentially harmful to the health of many unsuspecting consumers who may take information on the Complainant's Mounjaro medication, through this unauthorized channel advertised by the Respondent's website under the mistaken impression that they are dealing with the Complainant or an authorized distributor of the Complainant. (See *Eli Lilly and Company v. Ibrahim Keskin*, WIPO Case No. [D2023-5179](#)). This risk of mistaken impression of the consumers seems here particularly high due to the fact that the Respondent gave the impression that information on the medication would be provided by a "Dr. Mounjaro" and the website in particular contained an image of a purported doctor.

The evidence in this case undoubtedly supports a finding of bad faith on the part of the Respondent.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <drmounjaro.org> be transferred to the Complainant.

/Theda König Horowicz/

Theda König Horowicz

Sole Panelist

Date: May 15, 2026